



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

JUL 1 8 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7014 1200 0000 6124 3184

Mary Alice Johnson
County Board of Supervisors
1762 Colfax Street
Blair, Nebraska 68008

Re: Municipal Separate Storm Sewer System
Washington County, NE
NPDES Permit No. NER210000

Dear Ms. Johnson:

**Request for Information
- Prompt Attention Required -**

A representative of the U.S. Environmental Protection Agency performed a desk audit and review of the Washington County, Nebraska MS4 Program. The audit was conducted under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. The purpose of this letter is to obtain additional information so the EPA can determine your system's compliance with the CWA.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.* Under the authority of Section 308 of the CWA, the EPA hereby requires the Washington County to provide the information requested in **ENCLOSURE 1 within twenty (20) calendar days of receipt of this letter.**

Guidance on How to Respond

Please read the instructions and definitions included in ENCLOSURE 1 carefully before preparing your response. Answer each question as clearly and completely as possible. Your response to this request must be accompanied by a certificate that is signed and dated by an authorized representative of the facility, as identified by 40 CFR § 122.22. The certification must state that the response is complete and contains all information and documentation available to you pursuant to the request. A Statement of Certification is enclosed with this letter (ENCLOSURE 2).

Compliance with this information request is mandatory. Please be advised that failure to respond completely and accurately, and within the time period, or submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.

The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. Washington County may assert a business confidentiality claim with respect to part or all of the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 C.F.R. Part 2, and in the manner described at 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means, of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to Washington County. Please note that effluent information may not be regarded as confidential.

Information submitted pursuant to this Section 308 information request, with a signed Statement of Certification (ENCLOSURE 2), shall be sent within twenty (20) calendar days of your receipt of this letter in a manner that allows you to track delivery and addressed as follows:

Angela Acord, or her successor
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
11201 Renner Blvd.
Lenexa, Kansas 66219.

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Ms. Angela Acord, at phone number (913) 551-7914.

Sincerely,



Karen A. Flourney
Director
Water, Wetlands and Pesticides Division

Enclosures

cc: Steve Goans, NDEQ
Tanna Wirtz, Planning and Zoning Administer, Washington County, Nebraska

INFORMATION REQUEST

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

I. Instructions

- A. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
- B. If any answer or document cannot be provided in full, provide the answer or document(s) to the extent possible along with an explanation of why the question cannot be answered or document cannot be provided in its entirety.
- C. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
- D. The Statement of Certification found in ENCLOSURE 2 must be submitted along with your responses every time a submission is made pursuant to this information request. This statement must be made by a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(b). For your convenience the text of 40 C.F.R. § 122.22(b) is included on ENCLOSURE 2.
- E. If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
- F. All information should be submitted in a manner that allows you to track delivery, and must be submitted to:

Angela Acord, or her successor
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
11201 Renner Blvd.
Lenexa, Kansas 66219.

II. Requested Information

Please submit your response to this Information Request within twenty (20) days of receipt. Please clearly identify your responses with a numbering system corresponding to the questions as listed below. (See, Section I, Instructions.) Should Washington County not have the information requested, you must provide a response stating the Washington County has no such information, documentation, records, etc. This is required for each numbered or lettered question to which the Washington County is unable to provide the requested information.

Note that except for a cover letter or memorandum and the Statement of Certification, 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disk in PDF, Word, Excel or other widely available electronic format.

A. Preliminary Information

1. Identify the person to contact regarding your response, including title, address and phone number.
2. Your responses to the questions are to be provided by a qualified professional. Provide the name and credentials of the person(s) providing information in response to this Information Request.

B. Storm Water Management Plan (SWMP)

1. Provide a copy of the most recent SWMP and any attachments hereto.
2. Provide a copy of the annual reports completed for the Washington County MS4 program for the years 2011, 2012, 2013, 2014, and 2015.

In response to this request for information, please provide any and all documentation that describes the City's MS4 program relative to the questions above.

STATEMENT OF CERTIFICATION

(To be submitted with your response to the Information Request)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Date

Printed Name

Title

Sec. 122.22(a). Signatories to permit applications and reports.

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

